

ORDINANCE NO. 207

AN ORDINANCE FOR THE CITY OF TIOGA, TEXAS ADOPTING BY REFERENCE THE TEXAS STANDARDS FOR PUBLIC AND SEMI-PUBLIC POOLS AND SPAS; REGULATING PUBLIC AND SEMI-PUBLIC SWIMMING POOLS AND SPAS, SETTING FEES AND PROVIDING FOR PENALTIES.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF TIOGA, TEXAS,

Section 1. Adoption of Texas Standard for Public Pools and Spas

- A. The municipality of Tioga adopts by reference the provisions of the current rules or rules as amended by the Texas Board of Health found in 25 Texas Administrative Code, Chapter 265, Sections 181 through 207 regarding the regulation of swimming pools and spas in this jurisdiction.
- B. Definitions
 - 1. The words "authorized agent or employee" mean the employees of the regulatory authority.
 - 2. The words "public swimming pool or spa" shall include the definition of Class B, Class C and Class D pools in §265.182, i.e. any pool used for public recreation and open to the general public with or without a fee, and any pool operated for and in conjunction with lodgings such as hotels, motels, apartments, condominiums, mobile homes parks, property owners associations, clubs, etc., or a school, college or university while being operated for academic or continuing education classes or clubs or practice events.
 - 3. The words "municipality of Tioga" in this ordinance shall be understood to refer to the City of Tioga.
 - 4. The words "state standards" mean the state standards found at 25 Texas Administrative Code, Chapter 265, Sections 181 through 207. These standards are also known as the Standards for Public Swimming Pools and Spas.
 - 5. The words "regulatory authority" mean the Grayson County Health Department.

Section 2. Permits and Exemptions

- A. A person may not operate a public swimming pool or spa without a permit issued by the regulatory authority. Permits are not transferable from one person to another or from one location to another location, except as otherwise permitted by this ordinance. A valid permit must be posted in or on every swimming pool facility regulated by this ordinance.
- B. A public swimming pool or spa operated solely by a nonprofit organization is exempt from the permitting requirements of this ordinance, but is not exempt from compliance with state rules. The regulatory authority may require any information necessary to determine whether an organization is nonprofit for purposes of this exemption.

Section 3. Application for Permit and Fees

- A. Any person desiring to operate a public swimming pool or spa must make a written application for a permit on forms provided by the regulatory authority. The application must contain the name and address of each applicant, the location and type of the proposed public swimming pool or spa and the applicable fee. An incomplete application will not be accepted. Failure to provide all required information or falsifying information required may result in denial or revocation of the permit. Renewals of permits are required on an annual basis and the same information is required for a renewal permit as for an initial permit.
- B. Prior to the approval of an initial permit or the renewal of an existing permit, the regulatory authority shall inspect the proposed public swimming pool or spa to determine compliance with state laws and rules. A public swimming pool or spa that does not comply with state laws and rules will be denied a permit or the renewal of a permit.
- C. The fee schedule applicable under this ordinance will be as follows.
 - 1. Swimming Pool Permits
 - a. 2002- \$200.00 for each location, regardless of number of pools and spas
 - b. 2003- \$300.00 for each location, regardless of number of pools and spas
 - 2. Swimming Pool Plan Review \$100.00
 - 3. Swimming Pool late surcharge fee \$ 50.00

Section 4. Review of Plans

- A. Whenever a public swimming pool or spa is constructed or extensively remodeled, properly prepared plans and specifications for such construction, remodeling or conversion shall be submitted to the regulatory authority for review before work is begun. The plans and specifications shall indicate the proposed layout, equipment arrangement, mechanical plans and construction of materials of work areas, and the type and model of proposed fixed equipment and facilities. The plans and specifications will be approved by the regulatory authority if they meet the requirements of the rules adopted by this ordinance. The approved plans and specifications must be followed in construction, remodeling or conversion.
- B. Failure to follow the approved plans and specifications will result in a permit denial, suspension, or revocation.

Section 5. Suspension of Permit.

- A. The regulatory authority may, without warning, notice, or hearing suspend any permit to operate a public swimming pool or spa if the operation of the public swimming pool or spa constitutes an imminent hazard to public health. Suspension is effective upon service of the notice required by Paragraph (5) (B) of this ordinance. When a permit is suspended, operations shall immediately cease. Whenever a permit is suspended, the holder of the permit shall be afforded an opportunity for a hearing within 20 days of receipt of a request for a hearing.
- B. Whenever a permit is suspended, the holder of the permit or the person in charge shall be notified in writing that the permit is, upon service of the notice, immediately suspended and that an opportunity for a hearing will be provided if a written request for a hearing is filed with the regulatory authority by the holder of

the permit within ten days. If no written request for a hearing is filed within ten days, the suspension is sustained. The regulatory authority may end the suspension at any time if reasons for suspension no longer exist.

Section 6. Revocation of Permit

- A. The regulatory authority may, after providing opportunity for a hearing, revoke a permit for serious or repeated violations of any of the requirements of these rules or for interference with the regulatory authority in the performance of its duties. Prior to revocation, the regulatory authority shall notify the holder of the permit or the person in charge, in writing, of the reason for which the permit is subject to revocation and that the permit shall be revoked at the end of the ten days following service of such notice unless a written request for a hearing is filed with the regulatory authority by the holder of the permit within such ten day period.
- B. If no request for a hearing is filed within the ten-day period, the revocation of the permit becomes final.

Section 7. Administrative Process

- A. A notice as required in these rules is properly served when it is delivered to the holder of the permit or the person in charge, or when it is sent by registered or certified mail, return receipt requested, to the last known address of the holder of the permit. A copy of the notice shall be filed in the records of the regulatory authority.
- B. The hearings provided for in these rules shall be conducted by the regulatory authority at a time and place designated by it. Based upon the recorded evidence of such hearing, the regulatory authority shall make final findings, and shall sustain, modify or rescind any notice or order considered in the hearing. A written report of the hearing decision shall be furnished to the holder of the permit by the regulatory authority.

Section 8. Remedies

- A. Any person who violates a provision of these rules and any person who is the permit holder of or otherwise operates a public swimming pool or spa that does not comply with the requirements of these rules and any responsible officer of that permit holder or those persons shall be fined not more than \$2000.00 dollars.
- B. The regulatory authority may seek to enjoin violations of these rules.


Section 9. Severability.

If any section, subsection, clause, phrase, or portion of this ordinance is, for any reason, held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions of this ordinance.

Section 10. Effective Date.

The provisions of this ordinance shall take full force and effect following the passage of this ordinance.

INTRODUCED, READ AND PASSED BY AN AFFIRMATIVE VOTE BY THE CITY
COUNCIL ON THIS 11TH DAY OF MARCH 2002.


Mayor, City of Tioga

Attest:


City Secretary